



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,258	01/23/2004	Diegane Dione	2383.001US1	8041

21186 7590 07/26/2007
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT	PAPER NUMBER
----------	--------------

3629

MAIL DATE	DELIVERY MODE
-----------	---------------

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/764,258

Applicant(s)

DIONE, DIEGANE

Examiner

Jamisue A. Plucinski

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-25, 28, 30-34, 37, 39-41, 44, 46-50, 53, 55-57, 60, 62-66, 69 and 71-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 77 and 91 is/are allowed.
- 6) ☐ Claim(s) 23-25, 28, 30-34, 37, 39-41, 44, 46-50, 53, 55-57, 60, 62-66, 69, 71-76, 78-90 and 92-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. (US 2003/0069002) in view of Young et al. (US 2004/0168086).
3. With respect to Claims 23, 39 and 55: Hunter discloses the use of a method, system and program code for managing occupants of a building during an emergency event comprising steps, means and instructions for:
 - a. Generating data with hierarchal representation of a multi-level building, Hunter discloses obtaining building information on a floor-by-floor and unit-by-unit level (Paragraphs 0052, 0053 and 0131), therefore discloses area nodes and floor nodes. And discloses where units of multi-floored buildings will get directions based on location (Paragraph 0056) and can get different routes for leaving a building (Paragraphs 0122, 0131 and 0132). However, Hunter fails to disclose the creating a hierarchical relationship between the area nodes and floor nodes. Young discloses a security risk system, which sets hierarchical relationships between elements Such as floor nodes and area nodes and discloses a breakdown into specific resources and elements within the

Art Unit: 3629

floor and area notes (see Figure 2B with corresponding detailed description and Paragraphs 0034 and 0035). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hunter, to breakdown floor with different areas, and to set hierarchical relationships between elements, such as floors and areas, in order to obtain high level overviews of hazards, as well as in depth detail of threats at it relates to an area (See Young, Page 2).

- b. Generating an occupant node for each occupant and associated with location of the occupant (Paragraph 0056).
 - c. Generating a device node for each occupant, where each device node includes device information to contact the occupant at an area of a floor associated with an occupant (Paragraphs 0024 and 0052) and discloses units of each dwelling associated with the occupant, which the examiner considers to be an area (Paragraph 0056, 0131 and 0132). Hunter discloses a device such as a mobile phone or pager, which is associated with a user (Paragraph 0060).
 - d. Retrieving the data to retrieve device information in an emergency event that affects at least one area (See Hunter Paragraph 0052),
 - e. Contacting occupant during an emergency (See Hunter Paragraphs 0023, 0026, 0029, 0036 and 0048) and obtaining status information (Paragraph 0073).
- 4. With respect to Claims 24, 40 and 56: See Hunter paragraphs 0022, 0028 and 0056.
 - 5. With respect to Claims 25, 41, and 57: Hunter discloses the emergency situation is automatically detected by the use of sensors (Paragraphs 0031, 0032 and 0074).

Art Unit: 3629

6. With respect to Claims 28, 44 and 60: See Young, Paragraphs 0034 and 0035 and Claims 1 and 14.

7. With respect to Claims 30, 31, 46, 47, 62 and 63: See Hunter, Paragraphs 0052-0054.

8. With respect to Claims 32, 48 and 64: Hunter discloses the GPS system tracks an individual and delivers contents to users only affected by the emergency event (Paragraph 0054), therefore when a user leaves an area it will inherently disassociate the user with the area.

9. With respect to Claims 33, 49, and 65: Hunter discloses the use of databases or storage devices used for information, but fails to specifically disclose the use of generating and displaying a summary of statuses of the occupants. It is old and well known in the art that summaries are printed or generated from information contained in databases. This is done for things such as attendance records, bills or even college schedules. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made, to have the status information stored in the database, of Hunter, to be used to generate a summary and display the summary, due to the fact that databases are used and created for sorting information and generating reports based on the stored information.

10. With respect to Claims 34, 50 and 66: See Hunter, Paragraphs 0066, 0073 and 0138.

11. With respect to Claims 37, 53, and 69: See Hunter, Paragraphs 0054-0056.

12. With respect to Claims 71, 78 and 85: Hunter discloses the use of a method, system and program code for managing occupants of a building during an emergency event comprising steps, means and instructions for:

- f. Generating data with hierarchal representation of a multi-level building, Hunter discloses obtaining building information on a floor-by-floor and unit-by-unit level

Art Unit: 3629

(Paragraphs 0052, 0053 and 0131), therefore discloses area nodes and floor nodes. And discloses where units of multi-floored buildings will get directions based on location (Paragraph 0056) and can get different routes for leaving a building (Paragraphs 0122, 0131 and 0132). However, Hunter fails to disclose the creating a hierarchical relationship between the area nodes and floor nodes. Young discloses a security risk system, which sets hierarchical relationships between elements Such as floor nodes and area nodes and discloses a breakdown into specific resources and elements within the floor and area notes (see Figure 2B with corresponding detailed description and Paragraphs 0034 and 0035). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hunter, to breakdown floor with different areas, and to set hierarchical relationships between elements, such as floors and areas, in order to obtain high level overviews of hazards, as well as in depth detail of threats at it relates to an area (See Young, Page 2).

g. Generating an occupant node for each occupant and associated with location of the occupant (Paragraph 0056).

h. Generating a device node for each occupant, where each device node includes device information to contact the occupant at an area of a floor associated with an occupant (Paragraphs 0024 and 0052) and discloses units of each dwelling associated with the occupant, which the examiner considers to be an area (Paragraph 0056, 0131 and 0132). Hunter discloses a device such as a mobile phone or pager, which is associated with a user (Paragraph 0060).

Art Unit: 3629

- i. Retrieving the data to retrieve device information in an emergency event that affects at least one area (See Hunter Paragraph 0052),
- j. Contacting occupant during an emergency (See Hunter Paragraphs 0023, 0026, 0029, 0036 and 0048) and obtaining status information (Paragraph 0073).
- k. Hunter discloses providing information on a unit level, and discloses routes for leaving the building based on the floor and discloses displaying routes for leaving the building, based on the unit (Paragraph 0056, 0122, 0131 and 0132), which the examiner considers to be creating directions for the user, however the specific type of directions and to what area nodes is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The steps merely provide the directions, however do not disclose displaying the combined directions to the occupant, merely state that they are there. The steps of retrieving device information and contacting the occupant would be performed the same regardless of what the directions say, or whether they were based on one area nodes or two area nodes. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F .2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

13. With respect to Claims 72, 79 and 86: As stated above, the information that is in the directions is not functionally related to the steps of contacting the occupants, and therefore considered to be descriptive material. Hunter discloses contacting a unit of a multi unit dwelling and giving each unit routes for leaving the building based on a unit (See Paragraphs 0056 and 0122), therefore considered to be a starting point and destination point.

Art Unit: 3629

14. With respect to Claims 73, 80 and 87: See Young, Paragraphs 0034 and 0035 and Claims 1 and 14.

15. With respect to Claims 74, 81 and 88: See Young Paragraph 0034 and 0052.

16. With respect to Claims 75, 82 and 89: Hunter discloses the use of a method, system and program code for managing occupants of a building during an emergency event comprising steps, means and instructions for:

1. Generating data with hierarchal representation of a multi-level building, Hunter discloses obtaining building information on a floor-by-floor and unit-by-unit level (Paragraphs 0052, 0053 and 0131), therefore discloses area nodes and floor nodes. And discloses where units of multi-floored buildings will get directions based on location (Paragraph 0056) and can get different routes for leaving a building (Paragraphs 0122, 0131 and 0132). However, Hunter fails to disclose the creating a hierarchical relationship between the area nodes and floor nodes and fails to disclose the use of sub-area nodes within the area nodes. Young discloses a security risk system, which sets hierarchical relationships between elements such as floor nodes and area nodes and discloses a breakdown into specific resources and elements within the floor and area nodes (see Figure 2B with corresponding detailed description and Paragraphs 0034 and 0035). Young also discloses the breakdown can include people within a resource (See Figure 2B). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hunter, to breakdown floor with different areas, and to set hierarchical relationships between elements, such as floors and areas. It would have also been obvious to one having ordinary skill in the art to break down the floors into different

Art Unit: 3629

areas and sub-areas, in order to obtain high level overviews of hazards, as well as in depth detail of threats at it relates to an area (See Young, Page 2).

m. Generating an occupant node for each occupant and associated with location of the occupant, such as a unit (Paragraph 0056).

n. Generating a device node for each occupant, where each device node includes device information to contact the occupant at an area of a floor associated with an occupant (Paragraphs 0024 and 0052) and discloses units of each dwelling associated with the occupant, which the examiner considers to be an area (Paragraph 0056, 0131 and 0132). Hunter discloses a device such as a mobile phone or pager, which is associated with a user (Paragraph 0060).

o. Retrieving the data to retrieve device information in an emergency event that affects at least one area (See Hunter Paragraph 0052),

p. Contacting occupant during an emergency (See Hunter Paragraphs 0023, 0026, 0029, 0036 and 0048) and obtaining status information (Paragraph 0073).

17. With respect to Claims 76, 83 and 90: Hunter discloses the use of a method, system and program code for managing occupants of a building during an emergency event comprising steps, means and instructions for:

q. Generating data with hierarchal representation of a multi-level building, Hunter discloses obtaining building information on a floor-by-floor and unit-by-unit level (Paragraphs 0052, 0053 and 0131), therefore discloses area nodes and floor nodes. And discloses where units of multi-floored buildings will get directions based on location (Paragraph 0056) and can get different routes for leaving a building (Paragraphs 0122,

Art Unit: 3629

0131 and 0132). However, Hunter fails to disclose the creating a hierarchical relationship between the area nodes and floor nodes. Young discloses a security risk system, which sets hierarchical relationships between elements Such as floor nodes and area nodes and discloses a breakdown into specific resources and elements within the floor and area notes (see Figure 2B with corresponding detailed description and Paragraphs 0034 and 0035). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hunter, to breakdown floor with different areas, and to set hierarchical relationships between elements, such as floors and areas, in order to obtain high level overviews of hazards, as well as in depth detail of threats at it relates to an area (See Young, Page 2).

r. Generating an occupant node for each occupant and associated with location of the occupant (Paragraph 0056).

s. Generating a device node for each occupant, where each device node includes device information to contact the occupant at an area of a floor associated with an occupant (Paragraphs 0024 and 0052) and discloses units of each dwelling associated with the occupant, which the examiner considers to be an area (Paragraph 0056, 0131 and 0132). Hunter discloses a device such as a mobile phone or pager, which is associated with a user (Paragraph 0060).

t. Retrieving the data to retrieve device information in an emergency event that affects at least one area (See Hunter Paragraph 0052),

u. Hunter discloses retransmitting information until the user responds back (Paragraph 0112).

v. Hunter however fails to disclose generating multiple device nodes for every occupant, and fails to disclose iterating through each device node until an occupant is contacted. This is done everyday when a person files an application for a job, or even enrolls their child in school. They put all numbers down, as well as emergency contacts, and each number is called until the person can be reached. Furthermore hunter discloses the contacting system to be used in cable set top boxes, and it is old and well known that it is common for one household to have more than one box. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have multiple device nodes for each occupant and iterate through the device nodes till the occupant is contacted, in order to ensure the occupant is contacted in case of an emergency.

18. With respect to Claim 84: Hunter discloses a computer system which manages a plurality of occupants, where the system comprises:

w. A data structure with hierarchal representation of a multi-level building, Hunter discloses obtaining building information on a floor-by-floor and unit-by-unit level (Paragraphs 0052, 0053 and 0131), therefore discloses area nodes and floor nodes. And discloses where units of multi-floored buildings will get directions based on location (Paragraph 0056) and can get different routes for leaving a building (Paragraphs 0122, 0131 and 0132). However, Hunter fails to disclose the creating a hierarchical relationship between the area nodes and floor nodes. Young discloses a security risk system, which sets hierarchical relationships between elements Such as floor nodes and area nodes and discloses a breakdown into specific resources and elements within the

Art Unit: 3629

floor and area notes (see Figure 2B with corresponding detailed description and Paragraphs 0034 and 0035). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hunter, to breakdown floor with different areas, and to set hierarchical relationships between elements, such as floors and areas, in order to obtain high level overviews of hazards, as well as in depth detail of threats at it relates to an area (See Young, Page 2).

x. An occupant node for each occupant and associated with location of the occupant (Paragraph 0056).

y. A device node for each occupant, where each device node includes device information to contact the occupant at an area of a floor associated with an occupant (Paragraphs 0024 and 0052) and discloses units of each dwelling associated with the occupant, which the examiner considers to be an area (Paragraph 0056, 0131 and 0132). Hunter discloses a device such as a mobile phone or pager, which is associated with a user (Paragraph 0060).

z. A device to retrieve device information (See Hunter Paragraph 0052),

aa. A device to contact each occupant via the device associated with the occupant (See Hunter Paragraphs 0023, 0026, 0029, 0036 and 0048);

bb. A means to determine the area of the floor at which each occupant is located (Paragraph 0056, 0122, 0127, 0131 and 0132);

cc. A means for receiving information from the occupant (Paragraph 0073); and

dd. A means for contacting another occupant (See Hunter Paragraphs 0023, 0026, 0029, 0036 and 0048). It should be noted that the claim is directed to a system claim

which is held to the structural limitations and the functionalities there of. The system of Hunter is fully capable of contacting multiple users, therefore the structure of Hunter and Young, are the same as the structure of the claimed invention.

19. With respect to Claims 92-94, 23, 30, 31, 39, 46, 47, 55, 62 and 63: Hunter discloses the use of a method, system and program code for managing occupants of a building during an emergency event comprising steps, means and instructions for:

ee. Generating data with hierarchal representation of a multi-level building, Hunter discloses obtaining building information on a floor-by-floor and unit-by-unit level (Paragraphs 0052, 0053 and 0131), therefore discloses area nodes and floor nodes. And discloses where units of multi-floored buildings will get directions based on location (Paragraph 0056) and can get different routes for leaving a building (Paragraphs 0122, 0131 and 0132). However, Hunter fails to disclose the creating a hierarchical relationship between the area nodes and floor nodes. Young discloses a security risk system, which sets hierarchical relationships between elements Such as floor nodes and area nodes and discloses a breakdown into specific resources and elements within the floor and area notes (see Figure 2B with corresponding detailed description and Paragraphs 0034 and 0035). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hunter, to breakdown floor with different areas, and to set hierarchical relationships between elements, such as floors and areas, in order to obtain high level overviews of hazards, as well as in depth detail of threats at it relates to an area (See Young, Page 2).

Art Unit: 3629

ff. Generating an occupant node for each occupant and associated with location of the occupant (Paragraph 0056).

gg. Generating a device node for each occupant, where each device node includes device information to contact the occupant at an area of a floor associated with an occupant (Paragraphs 0024 and 0052) and discloses units of each dwelling associated with the occupant, which the examiner considers to be an area (Paragraph 0056, 0131 and 0132). Hunter discloses a device such as a mobile phone or pager, which is associated with a user (Paragraph 0060);

hh. Updating the association of the occupant node of a floor node based on the occupants physical location within the multi-floored building (See Hunter, Paragraphs 0052-0054)

ii. Retrieving the data to retrieve device information in an emergency event that affects at least one area (See Hunter Paragraph 0052),

jj. Contacting occupant during an emergency (See Hunter Paragraphs 0023, 0026, 0029, 0036 and 0048) and obtaining status information (Paragraph 0073).

Allowable Subject Matter

20. Claim 77 and 91 are allowed.

Response to Arguments

21. Applicant's arguments filed 5/2/07 have been fully considered but they are not persuasive.

Art Unit: 3629

22. With respect to Applicant's argument that the Hunter-Young combination fails to teach an area node and a floor done: Hunter, as disclosed by the examiner in the rejection, fails to specifically state in a data structure the hierarchical relationship. However, it should be noted that Hunter does in fact disclose the relationships between floors in a building and units within a multiunit dwelling and even gives specialized instructions. Young disclose the hierarchical relationship between two or more elements comprises a progressively greater or lesser resolution from a country level to a room level resolution (claim 8). And discloses floors or areas can be broken down into resources, then even further into elements of resources, which can include people. The claims disclose in a data structure setting the relationships between floor nodes, and area nodes and even sub-area nodes, however do not further define or claim the importance of all nodes. Young discloses floors and rooms in the alternative, however the applicant has not pointed out in the specification why it is important to have the floor nodes as well as the area nodes, why are both nodes important? Nor is relationship between the floor node and the area node used further in the claims other than merely the rearranging of data. The specification discloses why it is important to monitor and respond down to the sub-area, Young is capable of monitoring down to the resource level and elements within a resource. Hunter is capable of giving specialized directions based on a unit within a multi-unit building. Therefore the examiner considers the combination of Hunter and Young to be obvious over the claimed invention.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

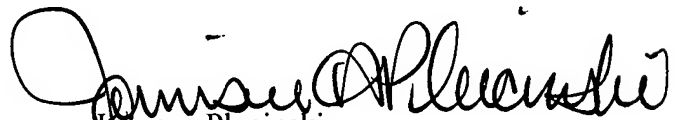
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Plucinski whose telephone number is (571) 272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Janisue Plucinski
Primary Examiner
Art Unit 3629